



City of Helena

CITY OF HELENA

City Commission Meeting

November 18, 2024 - 6:00 PM

City - County Building Room 330 / Zoom Online Meeting; <https://us06web.zoom.us/j/84006879934>

1. **Call to Order and Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
 - A. 10-21-24 Commission Meeting
 - B. 11-4-24 Commission Meeting
4. **Presentations**
 - A. Acceptance of the MT Disaster and Emergency Services "MATIC" Grant
 - B. Approve Confirmation of Officer George Weaver
5. **Bid Award**
 - A. Bid Award for The City of Helena Wastewater Treatment Plant Primary Scum Pump Station Replacement Project #19-42
6. **Communication/Proposals from Commissioners**
7. **Report of the City Attorney**
8. **Report of the City Manager**
9. **Communications from the Helena Citizens Council**
10. **Public Hearings**
 - A. Consider a Resolution to set rates for all customers of the City of Helena water system.
 - B. Consider a Resolution to set rates for all customers of the City of Helena wastewater system.
 - C. Consider an extension of the planned completion and Final Plat of Phase 1 of the Westside Woods Major Phased Subdivision from December 2024 to December 2025
11. **Public Communications**
12. **Adjournment**

It is the policy of the City Commission to take public comment on any action item. For further information on any of the items mentioned above, please contact the City Clerk's Office at 447-8410 or dmclayborn@helenamt.gov.

To read packet information while attending a City Commission Meeting please use the City/County wireless network COMM_MEET during the meeting.

The City of Helena is committed to providing access to persons with disabilities for its meetings, in compliance with Title II of the Americans with Disabilities Act and the Montana Human Rights Act. The City will not exclude persons with disabilities from participation at its meetings or otherwise deny them the City's services, programs, or activities.

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following:

Phone: (406) 447- 8490

TTY Relay Service 1-800-253-4091 or 711

Email: citycommunitydevelopment@helenamt.gov

Mailing Address & Physical Location: 316 North Park Avenue, Room 445, Helena, MT 59623.



City of Helena
City Commission Meeting
October 21, 2024 – 6:00 PM
Zoom Online Meeting; <https://us06web.zoom.us/j/88667200049>
City County Building Commission Chambers, Room 330

Time & Place

A regular City Commission meeting was held on Monday, October 21, 2024 at 6:00 p.m. via Zoom Online Meeting ID: <https://us06web.zoom.us/j/88667200049> and physically in the City County Building Commission Chambers, Room 330.

Call to Order and Roll Call

(00:00:00) The following responded present, either via zoom or in person:

In Person

City Attorney Dockter
City Manager Burton
Commissioner Dean
Commissioner Shirtliff
Commissioner Logan
Commissioner Reed
Mayor Collins

Via Zoom

none

Pledge of Allegiance

(00:01:00) Mayor Collins asked attendees to please stand and join in the Pledge of Allegiance.

Minutes

A. 10-7-24 Commission Meeting

(00:01:25) **There being no comments or questions from the Commission, Mayor Collins accepted Minutes A.**

Consent Agenda

A. Resolution to increase loan limits for the Water and Wastewater Service Line Loan Program from \$15,000 to \$30,000

- B. Resolution of Intention to set rates for all customers of the City of Helena water system [Commuted to Regular Item C]**
- C. Resolution of Intention to set rates for all customers of the City of Helena wastewater system [Commuted to Regular Item D]**
- D. Annual lease agreement with the Rocky Mountain Development Council for the Neighborhood Center Property**

(00:02:35) Commissioner Dean requested that Items B and C be moved to Regular Items. Mayor Collins confirmed consensus.

(00:03:20) Commissioner Logan discussed the possibility of tabling Items B and C.

(00:03:44) **Commissioner Reed made a motion to approve Consent Agenda Items A and D. Commissioner Dean seconded the motion.**

(00:03:56) Mayor Collins called for a vote.

Commissioner Shirliff voted: **Aye**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Dean voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 5:0.

Bid Award

- A. Consider Bid Award for Ten Mile Diversion Structures Replacement Project #22-03**

(00:04:50) City Engineer Clark presented Item A.

(00:05:35) **Commissioner Dean made a motion to award the base bid (replacing all six diversion structures) and bid schedule A2 (automating the Walker Creek diversion) of the Ten Mile Diversion Structures Replacement Project to the lowest responsible bidder Montana Civil Contractors in the amount of \$1,902,220. Commissioner Shirliff seconded the motion.**

(00:06:06) Mayor Collins called for a vote.

Commissioner Shirliff voted: **Aye**



Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Dean voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 5:0.

Communications/Proposals from Commissioners

(00:06:22) There were no communications or proposals from Commissioners.

Report of the City Attorney

(00:06:27) City Attorney Dockter had nothing to report.

Report of the City Manager

(00:06:33) City Manager Burton had nothing to report.

Communications from the Helena Citizens Council

(00:06:45) HCC Representative John Andrew discussed recent and upcoming meeting agenda items.

(00:07:43) Commissioner Reed asked Representative Andrew about reviewing recently collected public comment.

Regular Items

A. Consider a Resolution establishing a cost reimbursement program for water and wastewater infrastructure installed by the City of Helena for Phase 2 of the Westside Annexation City Project No. 18-15

B. Consider a Resolution establishing a cost reimbursement program for water and wastewater infrastructure installed by the City of Helena for Phase 1 of the Westside Annexation City Project No. 18-15

(00:08:37) Public Works Director Leland presented Items A and B.

(00:00:00)

(00:00:00)

(00:13:25) Commissioner Reed made a motion to approve the resolution establishing a cost reimbursement program for water and wastewater infrastructure installed by the City of Helena for Phase 2 of the Westside Annexation City Project No. 18-15. Commissioner Dean seconded the motion.

(00:14:00) Mayor Collins called for a vote.
Commissioner Shirliff voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Dean voted: **Aye**
Mayor Collins voted: **Aye**

The motion carried 5:0.

(00:14:14) Commissioner Reed made a motion to approve the resolution establishing a cost reimbursement program for water and wastewater infrastructure installed by the City of Helena for Phase 1 of the Westside Annexation City Project No. 18-15. Commissioner Dean seconded the motion.

(00:14:33) Mayor Collins called for a vote.
Commissioner Shirliff voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Dean voted: **Aye**
Mayor Collins voted: **Aye**

The motion carried 5:0.

C. Resolution of Intention to set rates for all customers of the City of Helena water system [Committed from Consent Agenda Item B]

(00:15:22) Director Leland presented Item C.

(00:16:43) Mayor Collins asked about the corresponding dollar amounts for rate increases.

(00:20:08) Manager Burton, Director Leland, and Commissioner Logan discussed the history and purpose for this Item.

(00:22:53) Commissioner Dean made a motion to approve a Resolution of Intention to set residential and commercial water base and usage rates and set a public hearing for November 18, 2024. Commissioner Shirliff seconded the motion.

(00:23:15) Mayor Collins called for a vote.
Commissioner Shirliff voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Dean voted: **Aye**
Mayor Collins voted: **Aye**
The motion carried 5:0.

D. Resolution of Intention to set rates for all customers of the City of Helena wastewater system [Commuted from Consent Agenda Item C]

(00:24:29) Commissioner Dean made a motion to approve a Resolution of Intention to set residential and commercial wastewater base and usage rates and set a public hearing for November 18, 2024. Commissioner Reed seconded the motion.

(00:25:20) Mayor Collins called for a vote.
Commissioner Shirliff voted: **Aye**
Commissioner Logan voted: **Aye**
Commissioner Reed voted: **Aye**
Commissioner Dean voted: **Aye**
Mayor Collins voted: **Aye**
The motion carried 5:0.

Public Hearings

A. Consider an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (Residential) to Public Lands and Institutions (PLI) for the property on the Carroll College Campus

(00:26:00) Planner Holland presented Item A.

(00:00:00)

(00:00:00)

(00:33:11) Commissioner Shirliff made a motion to approve of an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (Residential) to Public Lands and Institutions (PLI) for the property legally described as: The North 9 feet of the East 70 feet of Lot 15 in Block 1 of the Capital Hill Addition to the City of Helena, Lewis and Clark County, Montana, AND The East 70 Feet of the South 10 feet of Lot 13 and the East 70 Feet of Lot 14 in Block 1 of the Capital Hill Addition to the City of Helena, Lewis and Clark County, Montana, AND The East 10 feet of the West 50 feet of the South 10 feet of Lot 13 and the East 10 of the West 50 feet of Lot 14 in Block 1 of the Capital Hill Addition to the City of Helena, Lewis and Clark County, Montana, AND Lot 16 and the West 50 feet of the North 9 feet and the South 41 feet of Lot 15 in Block 1 of the Capital Hill Addition to the City of Helena, Lewis and Clark County, Montana, AND Lot 1A of Block 1 of the Capital Hill Addition to the City of Helena, Lewis and Clark County, Montana as described in C.O.S. 3300772. Commissioner Logan seconded the motion.

(00:34:28) Commissioner Reed asked Planner Holland about the ability for Carroll College to build dorms in the area in question.

(00:35:00) Mayor Collins called for a vote.

Commissioner Shirliff voted: **Aye**

Commissioner Logan voted: **Aye**

Commissioner Reed voted: **Aye**

Commissioner Dean voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 5:0.

B. Consider quitclaiming the City's interest in the South 13 feet of lot 20 in Block 1 of the Original Townsite of the City of Helena, Lewis and Clark County, Montana (Property) to Joseph Hrella and David Brown or South Park Avenue Condominiums, LLC

(00:35:58) Deputy City Attorney Petesch presented Item B.

(00:39:15) Commissioner Dean made a motion to approve quitclaiming the City's interest in the South 13 feet of lot 20 in Block 1 of the Original Townsite of the City of Helena, Lewis and Clark



County, Montana to South Park Avenue Condominiums, LLC. Commissioner Reed seconded the motion.

- (00:39:38)** Mayor Collins called for a vote.
- Commissioner Shirliff voted: **Aye**
- Commissioner Logan voted: **Aye**
- Commissioner Reed voted: **Aye**
- Commissioner Dean voted: **Aye**
- Mayor Collins voted: **Aye**

The motion carried 5:0.

C. Consider final passage of an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (residential) to R-3 (residential) for the property legally described as Lots 18-20 in Block 29 of the Corbin Subdivision in the City of Helena, Lewis and Clark County, Montana

- (00:40:38)** Planner Alvarez presented Item C.
- (00:51:19)** Commissioner Reed asked Planner Alvarez about the public land designation versus residential designation.
- (00:53:03)** Commissioner Logan asked Planner Alvarez about the future land use map and the rationale for change.
- (00:56:56)** Commissioner Shirliff asked Planner Alvarez about development opportunities on adjacent lots and the definition of “limited commercial activity.”
- (01:00:16)** Sonda Gaub of the HCC provided public comment, expressing concerns.
- (01:03:15)** Jim Bennish provided public comment, expressing concerns.
- (01:05:50)** Applicant John Iverson provided public comment, advocating for approval.
- (01:07:51)** Kathleen Hamil provided public comment, expressing concerns.
- (01:10:24)** Greg Holtzman provided public comment, expressing concerns.
- (01:12:27)** Morrey Hamil provided public comment, expressing concerns.
- (01:13:50)** HCC Chairperson Ben Kuiper provided public comment, expressing concerns.

- (01:15:06) Commissioner Reed asked Planner Alvarez about the considered zone change.
- (01:16:09) Commissioner Dean asked Planner Alvarez about the MCA framework for zoning decisions.
- (01:21:45) Commissioner Logan asked Applicant Iverson about the impetus for seeking a zoning change.
- (01:22:50) Mayor Collins asked Applicant Iverson about the current filing fee.
- (01:24:32) **Commissioner Reed made a motion to approve of an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (residential) to R-3 (residential) for the property legally described as Lots 18-20 in Block 29 of the Corbin Addition to the City of Helena, Lewis and Clark County, Montana. Commissioner Dean seconded the motion.**
- (01:25:00) Commissioner Logan explained his opposition.
- (01:26:55) Commissioner Reed explained her support.
- (01:28:23) Mayor Collins called for a vote.
 Commissioner Shirliff voted: **Aye**
 Commissioner Logan voted: **No**
 Commissioner Reed voted: **Aye**
 Commissioner Dean voted: **Aye**
 Mayor Collins voted: **No**
- The motion carried 3:2.**

Public Communications

- (01:29:10) Hannah Stanton provided public comment, discussing water diversion on her property.

Adjournment

- (01:32:10) There being no further business before the Commission, the meeting adjourned at 7:33pm.

MAYOR



ATTEST:

CLERK OF THE CITY COMMISSION



**City of Helena
City Commission Meeting
November 4, 2024 – 6:00 PM
Zoom Online Meeting; <https://us06web.zoom.us/j/89434066665>
City County Building Commission Chambers, Room 330**

Time & Place

A regular City Commission meeting was held on Monday, November 4, 2024 at 6:00 p.m. via Zoom Online Meeting ID: <https://us06web.zoom.us/j/89434066665> and physically in the City County Building Commission Chambers, Room 330.

Call to Order and Roll Call

(00:00:00) The following responded present, either via zoom or in person:

In Person

City Attorney Dockter
City Manager Burton
Commissioner Dean
Commissioner Shirtliff
Commissioner Reed
Mayor Collins

Via Zoom

none

The following were absent:

Commissioner Logan

Pledge of Allegiance

(00:01:02) Mayor Collins asked attendees to please stand and join in the Pledge of Allegiance.

Minutes

A. 10-16-24 Admin Meeting

(00:01:28) **There being no comments or questions from the Commission, Mayor Collins accepted Minutes A.**

Presentations



A. Montana Board of Crime Control - Violence Against Women Act (VAWA) grant for the Helena Police Department

- (00:01:53) Police Chief Petty presented Item A.
- (00:03:21) Commissioner Reed asked Chief Petty about funding history.
- (00:04:08) Commissioner Dean asked Chief Petty about grant funding parameters and the possibility of increasing funding with staffing.

(00:05:55) **Commissioner Shirliff made a motion to approve the Montana Board of Crime Control - Violence Against Women Act (VAWA) funding to the Helena Police Department for the VAWA detective. Commissioner Dean seconded the motion.**

- (00:06:12) Mayor Collins called for a vote.
- Commissioner Shirliff voted: **Aye**
 - Commissioner Logan voted: **Absent**
 - Commissioner Reed voted: **Aye**
 - Commissioner Dean voted: **Aye**
 - Mayor Collins voted: **Aye**

The motion carried 4:0.

B. Montana Board of Crime Control (Edward Byrnes) Missouri River Drug Task force (MRDTF) Grant for the Helena Police Department

- (00:06:34) Police Chief Petty presented Item B.
- (00:08:43) **Commissioner Reed made a motion to approve the Montana Board of Crime Control - Department of Justice funding to the Helena Police Department for the MRDTF Detective. Commissioner Dean seconded the motion.**

- (00:09:00) Mayor Collins called for a vote.
- Commissioner Shirliff voted: **Aye**
 - Commissioner Logan voted: **Absent**
 - Commissioner Reed voted: **Aye**
 - Commissioner Dean voted: **Aye**
 - Mayor Collins voted: **Aye**

The motion carried 4:0.

C. Donation to Purchase a K9 for the HPD

- (00:09:15) Police Chief Petty presented Item C.
- (00:11:24) Commissioner Shirliff thanked the anonymous donor.
- (00:11:36) Commissioner Reed asked Chief Petty about the impact of the donation on total costs.
- (00:12:46) **Commissioner Dean made a motion to approve a private donation given to the Helena Police Department in the amount of \$15,000 for the purpose of purchasing a K9. Commissioner Shirliff seconded the motion.**
- (00:13:01) Mayor Collins called for a vote.
- Commissioner Shirliff voted: **Aye**
- Commissioner Logan voted: **Absent**
- Commissioner Reed voted: **Aye**
- Commissioner Dean voted: **Aye**
- Mayor Collins voted: **Aye**
- The motion carried 4:0.**

Proclamations

A. Lung Cancer Awareness Month

- (00:13:26) Mayor Collins presented Proclamation A to American Lung Cancer Screening Initiative Representative Joseph Chung.

B. National Alzheimer's Disease Awareness & Caregiver Month

- (00:19:53) Mayor Collins presented Proclamation B to Alzheimer's Community Educator Mary Williams.

Board Appointments

A. Board Appointments: Helena BID, Golf Advisory Board, MPO TAC, Helena Tourism BID, Zoning Commission

- (00:26:02) Mayor Collins presented Item A.
- (00:27:24) **Commissioner Shirliff made a motion to approve Board Appointments. Commissioner Dean seconded the motion.**
- (00:27:37) Mayor Collins called for a vote.
- Commissioner Shirliff voted: **Aye**



Commissioner Logan voted: **Absent**

Commissioner Reed voted: **Aye**

Commissioner Dean voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 4:0.

Consent Agenda

A. Claims

(00:29:57) Commissioner Dean made a motion to approve Consent Agenda Item A. Commissioner Reed seconded the motion.

(00:30:05) Mayor Collins called for a vote.

Commissioner Shirliff voted: **Aye**

Commissioner Logan voted: **Absent**

Commissioner Reed voted: **Aye**

Commissioner Dean voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 4:0.

Communications/Proposals from Commissioners

(00:30:18) There were no communications or proposals from Commissioners.

Report of the City Attorney

(00:30:22) City Attorney Dockter had nothing to report.

Report of the City Manager

(00:30:27) City Manager Burton had nothing to report.

Communications from the Helena Citizens Council

(00:30:50) HCC Representative Emily Mowers discussed recent and upcoming meeting agenda items.

Regular Items

A. Consider a Resolution repealing Resolutions nos. 9967, 10154, 10376, 20374, and 20580 and establishing a Tax Increment Financing advisory board for the City of Helena

(00:32:08) Senior Planner Ray presented Item A.

(00:34:50) Commissioner Shirtliff asked Planner Ray about the creation of a Capitol Hill TIF District board.

(00:35:51) **Commissioner Dean made a motion to approve to repeal Resolutions nos. 9967, 10154, 10376, 20374, and 20580 and create a Tax Increment Financing advisory board for the City of Helena. Commissioner Shirtliff seconded the motion.**

(00:36:14) Mayor Collins called for a vote.

Commissioner Shirtliff voted: **Aye**

Commissioner Logan voted: **Absent**

Commissioner Reed voted: **Aye**

Commissioner Dean voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 4:0.

B. Consider a Resolution amending Resolution No. 20797 by distributing additional Downtown Urban Renewal District Tax Increment Financing funds to the City of Helena's Open Lands, Parks, and Recreation Department, for rehabilitation of the Fire Tower

(00:36:48) Senior Planner Ray presented Item B.

(00:38:25) Commissioner Reed asked Planner Ray about the process for requesting TIF funding.

(00:39:10) Commissioner Dean explained her support.

(00:40:13) Commissioner Shirtliff thanked Staff.

(00:40:44) **Commissioner Dean made a motion to approve a Resolution amending Resolution No. 20797 by distributing additional Downtown Urban Renewal District Tax Increment Financing funds to the City of Helena's Open Lands, Parks, and Recreation Department, for rehabilitation of the Fire Tower. Commissioner Shirtliff seconded the motion.**

(00:41:10) Mayor Collins called for a vote.



Commissioner Shirliff voted: **Aye**
Commissioner Logan voted: **Absent**
Commissioner Reed voted: **Aye**
Commissioner Dean voted: **Aye**
Mayor Collins voted: **Aye**

The motion carried 4:0.

Public Hearings

A. Consider a Resolution granting a Conditional Use Permit to allow a General Services use in a R-3 (Residential) zoning district for the property legally described as All of lot 2 and the south 30 of lot 3 in Block 436 of the Allen Addition to the City of Helena, Lewis and Clark County, Montana

(00:41:50) Senior Planner Ray presented Item A.

(00:50:53) Commissioner Reed asked Planner Ray about the nature of the property use and if a zone change is required.

(00:51:32) Commissioner Dean asked Planner Ray about the increase in trips and about other conditional use permits in the area.

(00:53:48) **Commissioner made a motion to approve a Resolution granting a Conditional Use Permit to allow a General Services use in a R-3 (Residential) zoning district for the property legally described as All of lot 2 and the south 30' of lot 3 in Block 436 of the Allen Addition to the City of Helena, Lewis and Clark County, Montana, with the following conditions: A building permit must be obtained within one (1) year bringing the building into compliance with all applicable municipal, state, and federal requirements, and specifically the Americans with Disabilities Act; Sidewalk and drive approaches along 7th Avenue will be replaced to City and Public Right-of-Way Accessibility Guidelines (PROWAG) standards; Off-street parking will be installed per the submitted plan's "option 1" and meet all associated landscaping and screening requirements; All conditions shall be met within one (1) year of CUP approval, as per §11-3-9 of the Helena City Code. Commissioner Reed seconded the motion.**

(00:54:59) Mayor Collins called for a vote.

Commissioner Shirliff voted: **Aye**



Commissioner Logan voted: **Absent**

Commissioner Reed voted: **Aye**

Commissioner Dean voted: **Aye**

Mayor Collins voted: **Aye**

The motion carried 4:0.

Public Communications

(00:55:16) There were no further comments or questions from the Commission and/or public.

Adjournment

(00:55:24) There being no further business before the Commission, the meeting adjourned at 6:56pm.

MAYOR

ATTEST:

CLERK OF THE CITY COMMISSION

City of Helena, Montana

10/31/2024

To: Mayor Collins and Helena City Commission

From: Brett Petty, Chief of Police

Subject: To Accept the Montana Disaster and Emergency Services Grant for the Montana Analysis and Technical Information (MATIC) Officer.

Present Situation: The Helena Police Department has received this grant for many years. The grant allows the HPD to maintain a MATIC Liaison Information Officer. The federally funded amount of the grant is \$125,000.00.

Background Information: The Helena Police Department has applied for and received this grant for many years. This grant allows for the HPD to have one dedicated detective assigned as the MATIC Liaison Information Detective.

Proposal/Objective: The objective to this grant is to allow for the HPD to have one full-time, dedicated MATIC Liaison Information Detective.

Advantage: The objective to this grant is to allow for the HPD to have one full-time, dedicated MATIC Liaison Information Detective.

Notable Energy Impact: N/A

Disadvantage: There are no disadvantages to this funding.

Quasi-Judicial Item: False

Notice of Public Hearing: False

**Staff Recommendation/
Recommended Motion:** Move to accept the Montana Disaster and Emergency MATIC Grant to the Helena Police Department for the MATIC Liaison Information Detective.



State Homeland Security Program (SHSP)

FY 2024 Award Letter

Wilmot Collins
Helena Police Department
406 Fuller Avenue
Helena, MT 59601

Mayor Wilmot Collins,

Congratulations, on behalf of Montana Disaster and Emergency Services (MT DES), the application for financial assistance submitted under the Fiscal Year (FY) 2024 State Homeland Security Program, MT Analysis & Technical Information Center (MATIC) - Fusion Center project, has been approved in the amount of \$125,000.00. Helena Police Department is not required to match this award with any amount of non-Federal funds.

Before Helena Police Department requests and receives any of the Federal funds awarded, acceptance of the award must be established. By accepting this award, Helena Police Department acknowledges that the terms of the following documents are incorporated into the terms of this award:

- Agreement Articles (attached to this Award Letter)
- Obligating Document for Award (attached to this Award Letter)
- FY 24 Homeland Security Grant Program Notice of Funding Opportunity

Per the Notice of Funding Opportunity (NOFO), all sub-recipients are required to complete the Nationwide Cybersecurity Review (NCSR), see Agreement Article 52.

Please make sure you read, understand, and maintain a copy of these documents in the official file for this award. In order to establish acceptance of the award and its terms, please complete, sign and return the Obligating Document for Award to your MT DES Grant Coordinator.

For additional assistance, please contact your MT DES Grant Coordinator.

Burke S. Honzel
Preparedness Bureau Chief
Montana Disaster and Emergency Services

CC Farah Lane



**AGREEMENT ARTICLES
State Homeland Security Program**

SUB-RECIPIENT: Helena Police Department
PROGRAM: State Homeland Security Program
STATE GRANT NUMBER: 24HSHPD

TABLE OF CONTENTS

Article1	Assurances, Administrative Requirements, Cost Principles, Representations, and Certifications
Article2	General Acknowledgements and Assurances
Article3	Acknowledgement of Federal Funding from DHS
Article4	Activities Conducted Abroad
Article5	Age Discrimination Act of 1975
Article6	Americans with Disabilities Act of 1990
Article7	Best Practices for Collection and Use of Personally Identifiable Information
Article8	Civil Rights Act of 1964 – Title VI
Article9	Civil Rights Act of 1968
Article10	Copyright
Article11	Debarment and Suspension
Article12	Drug-Free Workplace Regulations
Article13	Duplicative Costs
Article14	Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX
Article15	E.O. 14074 – Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety
Article16	Energy Policy and Conservation Act
Article17	False Claims Act and Program Fraud Civil Remedies
Article18	Federal Debt Status
Article19	Federal Leadership on Reducing Text Messaging while Driving
Article20	Fly America Act of 1974
Article21	Hotel and Motel Fire Safety Act of 1990
Article22	John S. McCain National Defense Authorization Act of Fiscal Year 2019
Article23	Limited English Proficiency (Civil Rights Act of 1964, Title VI)
Article24	Lobbying Prohibitions
Article25	National Environmental Policy Act
Article26	Nondiscrimination in Matters Pertaining to Faith-Based Organizations
Article27	Non-Supplanting Requirement
Article28	Notice of Funding Opportunity Requirements
Article29	Patents and Intellectual Property Rights
Article30	Procurement of Recovered Materials
Article31	Rehabilitation Act of 1973
Article32	Reporting of Matters Related to Recipient Integrity and Performance

Article33	Reporting Subawards and Executive Compensation
Article34	Required Use of American Iron, Steel, Manufactured Products, and Construction Materials
Article35	SAFECOM
Article36	Terrorist Financing
Article37	Trafficking Victims Protection Act of 2000 (TVPA)
Article38	Universal Identifier and System of Award Management
Article39	USA PATRIOT Act of 2001
Article40	Use of DHS Seal, Logo and Flags
Article41	Whistleblower Protection Act
Article42	Environmental Planning and Historic Preservation (EHP) Review
Article43	Applicability of DHS Standard Terms and Conditions to Tribes
Article44	Acceptance of Post Award Changes
Article45	Disposition of Equipment Acquired Under the Federal Award
Article46	Prior Approval for Modification of Approved Budget
Article47	Indirect Cost Rate
Article48	HSGP Performance Goal
Article49	MT DES Specific Acknowledgements and Assurances
Article50	Accruals
Article51	Authorized Representative
Article52	Nationwide Cybersecurity Review
Article53	State Homeland Security Grant Funding Hold

Article 1 Assurances, Administrative Requirements, Cost Principles, Representations, and Certifications

I. Recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances – Non- Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances as instructed by the federal awarding agency.

Article 2 General Acknowledgements and Assurances

Recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in effect as of the federal award date and located at 2 C.F.R. Part 200 and adopted by DHS at 2 C.F.R. § 3002.10. All recipients and subrecipients must acknowledge and agree to provide DHS access to records, accounts, documents, information, facilities, and staff pursuant to 2 C.F.R. § 200.337. I. Recipients must cooperate with any DHS compliance reviews or compliance investigations. II. Recipients must give DHS access to examine and copy records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities and personnel. III. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports. IV. Recipients must comply with all other special reporting, data collection, and evaluation requirements required by law, federal regulation, Notice of Funding Opportunity, federal award specific terms and conditions, and/or federal awarding agency program guidance. V. Recipients must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receiving the Notice of Award for the first award under which this term applies. Recipients of multiple federal awards from DHS should only submit one completed tool for their organization, not per federal award. After the initial submission, recipients are required to complete the tool once every two (2) years if they have an active federal award, not every time a federal award is made. Recipients must submit the completed tool, including supporting materials, to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and

related reporting requirements contained in these DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>. DHS Civil Rights Evaluation Tool | Homeland Security. The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension to the 30-day deadline if the recipient identifies steps and a timeline for completing the tool. Recipients must request extensions by emailing the request to CivilRightsEvaluation@hq.dhs.gov prior to expiration of the 30-day deadline.

- Article 3 Acknowledgement of Federal Funding from DHS**
Recipients must acknowledge their use of federal award funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal award funds.
- Article 4 Activities Conducted Abroad**
Recipients must coordinate with appropriate government authorities when performing project activities outside the United States obtain all appropriate licenses, permits, or approvals.
- Article 5 Age Discrimination Act of 1975**
Recipients must comply with the requirements of the Age Discrimination Act of 1975, Pub. L. No. 94-135 (codified as amended at 42 U.S.C. § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.
- Article 6 Americans with Disabilities Act of 1990**
Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101– 12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.
- Article 7 Best Practices for Collection and Use of Personally Identifiable Information**
Recipients who collect personally identifiable information (PII) as part of carrying out the scope of work under a federal award are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.
- Article 8 Civil Rights Act of 1964 – Title VI**
Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964, Pub. L. No. 88-352 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21. Recipients of an award from the Federal Emergency Management Agency (FEMA) must also comply with FEMA's implementing regulations at 44 C.F.R. Part 7.
- Article 9 Civil Rights Act of 1968**
Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. No. 90-284 (codified as amended at 42 U.S.C. § 3601 et seq.) which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex, as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units— i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)
- Article 10 Copyright**
Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 to any work first produced under federal awards and also include an acknowledgement that the work was produced

under a federal award (including the federal award number and federal awarding agency). As detailed in 2 C.F.R. § 200.315, a federal awarding agency reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use the work for federal purposes and to authorize others to do so.

- Article 11 Debarment and Suspension**
Recipients must comply with the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689 set forth at 2 C.F.R. Part 180 as implemented by DHS at 2 C.F.R. Part 3000. These regulations prohibit recipients from entering into covered transactions (such as subawards and contracts) with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.
- Article 12 Drug-Free Workplace Regulations**
Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).
- Article 13 Duplicative Costs**
Recipients are prohibited from charging any cost to this federal award that will be included as a cost or used to meet cost sharing or matching requirements of any other federal award in either the current or a prior budget period. (See 2 C.F.R. § 200.403(f)). However, recipients may shift costs that are allowable under two or more federal awards where otherwise permitted by federal statutes, regulations, or the federal financial assistance award terms and conditions.
- Article 14 Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX**
Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. No. 92-318 (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17. Recipients of an award from the Federal Emergency Management Agency (FEMA) must also comply with FEMA's implementing regulations at 44 C.F.R. Part 19.
- Article 15 E.O. 14074 – Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety**
Recipient State, Tribal, local, or territorial law enforcement agencies must comply with the requirements of section 12(c) of E.O. 14074. Recipient State, Tribal, local, or territorial law enforcement agencies are also encouraged to adopt and enforce policies consistent with E.O. 14074 to support safe and effective policing.
- Article 16 Energy Policy and Conservation Act**
Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. No. 94-163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.
- Article 17 False Claims Act and Program Fraud Civil Remedies**
Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. §§ 3729- 3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.)
- Article 18 Federal Debt Status**
All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)
- Article 19 Federal Leadership on Reducing Text Messaging while Driving**
Recipients are encouraged to adopt and enforce policies that ban text messaging while driving recipient-owned, recipient-rented, or privately owned vehicles when on official government business or when performing any work for or on behalf of the Federal Government. Recipients are also

encouraged to conduct the initiatives of the type described in Section 3(a) of E.O. 13513.

- Article 20** **Fly America Act of 1974**
Recipients must comply with Preference for U.S. Flag Air Carriers (a list of certified air carriers can be found at: [Certificated Air Carriers List | US Department of Transportation, https://www.transportation.gov/policy/aviation-policy/certificated-air-carriers-list](https://www.transportation.gov/policy/aviation-policy/certificated-air-carriers-list)) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.
- Article 21** **Hotel and Motel Fire Safety Act of 1990**
Recipients must ensure that all conference, meeting, convention, or training space funded entirely or in part by federal award funds complies with the fire prevention and control guidelines of Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a.
- Article 22** **John S. McCain National Defense Authorization Act of Fiscal Year 2019 Recipients, subrecipients, and their contractors and subcontractors** are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. The statute – as it applies to DHS recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.
- Article 23** **Limited English Proficiency (Civil Rights Act of 1964, Title VI)**
Recipients must comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.
- Article 24** **Lobbying Prohibitions**
Recipients must comply with 31 U.S.C. § 1352 and 6 C.F.R. Part 9, which provide that none of the funds provided under a federal award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification. Per 6 C.F.R. Part 9, recipients must file a lobbying certification form as described in Appendix A to 6 C.F.R. Part 9 or available on Grants.gov as the Grants.gov Lobbying Form and file a lobbying disclosure form as described in Appendix B to 6 C.F.R. Part 9 or available on Grants.gov as the Disclosure of Lobbying Activities (SF-LLL).
- Article 25** **National Environmental Policy Act**
Recipients must comply with the requirements of the National Environmental Policy Act of 1969, Pub. L. No. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq.) (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.
- Article 26** **Nondiscrimination in Matters Pertaining to Faith-Based Organizations**
It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

- Article 27 Non-Supplanting Requirement**
Recipients of federal awards under programs that prohibit supplanting by law must ensure that federal funds supplement but do not supplant non-federal funds that, in the absence of such federal funds, would otherwise have been made available for the same purpose.
- Article 28 Notice of Funding Opportunity Requirements**
All the instructions, guidance, limitations, scope of work, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this federal award are incorporated by reference. All recipients must comply with any such requirements set forth in the NOFO. If a condition of the NOFO is inconsistent with these terms and conditions and any such terms of the Award, the condition in the NOFO shall be invalid to the extent of the inconsistency. The remainder of that condition and all other conditions set forth in the NOFO shall remain in effect.
- Article 29 Patents and Intellectual Property Rights**
Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq. and applicable regulations governing inventions and patents, including the regulations issued by the Department of Commerce at 37 C.F.R. Part 401 (Rights to Inventions Made by Nonprofit Organizations and Small Business Firms under Government Awards, Contracts, and Cooperative Agreements) and the standard patent rights clause set forth at 37 C.F.R. § 401.14.
- Article 30 Procurement of Recovered Materials**
States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. No. 89-272 (1965) (codified as amended by the Resource Conservation and Recovery Act at 42 U.S.C. § 6962) and 2 C.F.R. § 200.323. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.
- Article 31 Rehabilitation Act of 1973**
Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112 (codified as amended at 29 U.S.C. § 794), which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.
- Article 32 Reporting of Matters Related to Recipient Integrity and Performance** If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of the federal award, then the recipient must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated by reference.
- Article 33 Reporting Subawards and Executive Compensation**
For federal awards that equal or exceed \$30,000, recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation set forth at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated by reference.
- Article 34 Required Use of American Iron, Steel, Manufactured Products, and Construction Materials**
Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless: (1) all iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States; (2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and (3) all construction materials are manufactured in the United States—this means that all manufacturing

processes for the construction material occurred in the United States. The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project. Waivers, when necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. The agency should notify the recipient for information on the process for requesting a waiver from these requirements. (a) When the Federal agency has determined that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the agency determines that: (1) applying the domestic content procurement preference would be inconsistent with the public interest; (2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent. A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described as “Buy America” Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov. Definitions The definitions applicable to this term are set forth at 2 C.F.R. § 184.3, the full text of which is incorporated by reference.

- Article 35 **SAFECOM**
Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications. The SAFECOM Guidance is updated annually and can be found at Funding and Sustainment | CISA.
- Article 36 **Terrorist Financing**
Recipients must comply with E.O. 13224 and applicable statutory prohibitions on transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible for ensuring compliance with the E.O. and laws.
- Article 36 **Trafficking Victims Protection Act of 2000 (TVPA)**
Recipients must comply with the requirements of the government-wide financial assistance award term which implements Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, § 106 (codified as amended at 22 U.S.C. § 7104). The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated by reference.
- Article 38 **Universal Identifier and System of Award Management**
Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated reference.
- Article 39 **USA PATRIOT Act of 2001**
Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.
- Article 40 **Use of DHS Seal, Logo and Flags**
Recipients must obtain written permission from DHS prior to using the DHS seals, logos, crests, or reproductions of flags, or likenesses of DHS agency officials. This includes use of DHS components (e.g., FEMA, CISA, etc.) seals, logos, crests, or reproductions of flags, or likenesses of component officials.

- Article 41 Whistleblower Protection Act**
Recipients must comply with the statutory requirements for whistleblower protections at 10 U.S.C § 470141 U.S.C. § 4712.
- Article 42 Environmental Planning and Historic Preservation (EHP) Review**
DHS/FEMA funded activities that may require an Environmental Planning and Historic Preservation (EHP) review are subject to the FEMA EHP review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires the recipient to comply with all federal, state and local laws. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP review process, as mandated by: the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and any other applicable laws and executive orders. General guidance for FEMA's EHP process is available on the DHS/FEMA Website at: <https://www.fema.gov/grants/guidance-tools/environmental-historic>. Specific applicant guidance on how to submit information for EHP review depends on the individual grant program and applicants should contact their grant Program Officer to be put into contact with EHP staff responsible for assisting their specific grant program. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive orders, regulations, and policies. If ground disturbing activities occur during construction, the applicant will monitor ground disturbance, and if any potential archaeological resources are discovered the applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.
- Article 43 Applicability of DHS Standard Terms and Conditions to Tribes**
The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to sub-recipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.
- Article 44 Acceptance of Post Award Changes**
In the event FEMA determines that an error in the award package has been made, or if an administrative change must be made to the award package, recipients will be notified of the change in writing. Once the notification has been made, any subsequent requests for funds will indicate recipient acceptance of the changes to the award. Please call FEMA Grant Management Operations at (866) 927-5646 or via e-mail to: ASK-GMD@fema.dhs.gov if you have any questions.
- Article 45 Disposition of Equipment Acquired Under the Federal Award**
For purposes of original or replacement equipment acquired under this award by a non-state recipient or non-state sub-recipients, when that equipment is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, you must request instructions from FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. section 200.313. State recipients and state sub-recipients must follow the disposition requirements in accordance with state laws and procedures.
- Article 46 Prior Approval for Modification of Approved Budget**
Before making any change to the FEMA approved budget for this award, you must request prior written approval from FEMA where required by 2 C.F.R. section 200.308. For purposes of non-construction projects, FEMA is utilizing its discretion to impose an additional restriction under 2 C.F.R. section 200.308(f) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget FEMA last approved. For purposes of awards that support both construction and non-construction work, FEMA is utilizing its discretion under 2 C.F.R. section 200.308(h)(5) to require the recipient to obtain prior written approval from FEMA before making any fund or budget transfers

between the two types of work. You must report any deviations from your FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

Article 47 Indirect Cost Rate

2 C.F.R. section 200.211(b)(15) requires the terms of the award to include the indirect cost rate for the federal award. If applicable, the indirect cost rate for this award is stated in the budget documents or other materials approved by FEMA and included in the award file.

Article 48 HSGP Performance Goal

In addition to the Biannual Strategy Implementation Report (BSIR) submission requirements outlined in the Preparedness Grants Manual, recipients must demonstrate how the grant-funded project addressed the core capability gap associated with this project and identified in the Threat and Hazard Identification and Risk Analysis (THIRA) or Stakeholder Preparedness Review (SPR) or sustains existing capabilities as applicable. The capability gap reduction must be addressed in the Project Description of the BSIR for each project.

Article 49 MT DES Specific Acknowledgements and Assurances

Sub-recipients must acknowledge and agree to comply with applicable provisions governing MT DES access to records, accounts, documents, information, facilities, and staff.

1. Sub-recipients must cooperate with any compliance reviews or compliance investigations conducted by MT DES.
2. Sub-recipients must give MT DES access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by MT DES regulations and other applicable laws or program guidance.
3. Sub-recipients must submit timely, complete, and accurate reports to the appropriate MT DES officials and maintain appropriate backup documentation to support the reports.
4. Sub-recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. The State of Montana shall not be liable for any reimbursement amount greater than the award amount available to each sub-recipient.
6. Failure of the sub-recipient to accomplish HSGP objectives may result in the reduction or withholding of funds, or other action, as determined by MT DES.

The State of Montana has the right to seek judicial enforcement of these obligations.

Article 50 Accruals

As established within Montana Operations Manual Policy, accrual documentation is required of all sub-recipients by the Montana Department of Administration, State Financial Services Division, and must be submitted to MT DES no later than the second week of June, or as instructed by MT DES.

Article 51 Authorized Representative

As evidenced by the signatures found in the Letter of Obligation, the Sub-Recipient Signatory Official agrees to appoint the Sub-Recipient Authorized Representative to act on behalf of Helena Police Department. This individual shall be duly authorized with all necessary powers with regard to the administration and oversight of the 2024 State Homeland Security Program grant, 24HSHPD. The Catalog of Federal Domestic Assistance (CFDA) number associated with this grant is 97.067.

Article 52 Nationwide Cybersecurity Review

Subrecipients of FY 2024 grant awards will be required to complete the 2024 Nationwide Cybersecurity Review (NCSR), enabling agencies to benchmark and measure progress of improving their cybersecurity posture. The Chief Information Officer (CIO), Chief Information Security Officer (CISO), or equivalent for each recipient and subrecipient should complete the NCSR. If there is no CIO or CISO, the most senior cybersecurity professional should complete the assessment. The NCSR is available at no cost to the user and takes approximately 3-6 hours to complete. The 2024 NCSR will be open from October – February 2024. MT DES will provide subrecipients with additional information upon opening of the review.

Article 53 State Homeland Security Grant Funding Hold
There is no State Homeland Security Program hold regarding this award.

Obligating Document for Award

STATE GRANT NUMBER: 24HSHPD	SUB-RECIPIENT NAME AND ADDRESS: Helena Police Department 406 Fuller Avenue Helena, MT 59601,	ISSUING STATE OFFICE AND ADDRESS: Montana Disaster and Emergency Services P.O. Box 4789 1956 MT Majo Street Fort Harrison, MT 59636-4789
FEDERAL AGREEMENT NUMBER: EMW-2024-SS-05128		
AMENDMENT NUMBER:		
NAME OF SUB-RECIPIENT AUTHORIZED REPRESENTATIVE: Farah Lane	SUB-RECIPIENT AUTHORIZED REPRESENTATIVE CONTACT INFORMATION: flane@helenamt.gov 406-447-8476	
EFFECTIVE DATE OF THIS ACTION: 10/01/2024	METHOD OF PAYMENT: EFT	NAME AND CONTACT INFORMATION OF MT DES GRANT COORDINATOR: Pam Fruh Pam.Fruh@mt.gov (406) 439-5917
FEDERAL AWARD AMOUNT: \$125,000.00		PERIOD OF PERFORMANCE: From: 10/01/2024 To: 09/30/2026
ASSISTANCE ARRANGEMENT: Cost Reimbursement	CFDA #: 97.067	Budget Period: From: 10/01/2024 To: 09/30/2026
SUB-RECIPIENT SIGNATORY OFFICIAL (Name and Title)		DATE
SUB-RECIPIENT AUTHORIZED REPRESENTATIVE (Name and Title)		DATE
MT DES SIGNATORY (Name, Title and Date) Amanda Avard, Preparedness Program Manager, Authorized Organizational Representative		

City of Helena, Montana

10/31/2024

To: Mayor Collins and Helena City Commission

From: Brett Petty, Chief of Police

Subject: Approve Confirmation of Officer George Weaver

Present Situation: Officer Weaver has successfully completed his one-year probationary period and per Montana law needs a vote of confirmation from the City Commission.

Background Information:

1. The Helena Police Department has one officer who has successfully completed his one-year probationary period.
2. Under Montana law, after the end of the probationary period, the appointment of the officer must be submitted to the City Commission for a vote of confirmation.

Proposal/Objective:

1. The Helena Police Department has one officer who has successfully completed his one-year probationary period.
2. Under Montana law, after the end of the probationary period, the appointment of the officer must be submitted to the City Commission for a vote of confirmation.

Advantage: N/A

Notable Energy Impact: N/A

Disadvantage: N/A

Quasi-Judicial Item: False

Notice of Public Hearing: False

**Staff Recommendation/
Recommended Motion:** Move to approve the confirmation of Officer George Weaver.

Montana Code Annotated 2019

TITLE 7. LOCAL GOVERNMENT

CHAPTER 32. LAW ENFORCEMENT

Part 41. Municipal Police Force

Probationary Period And Confirmation Of Appointment

7-32-4113. Probationary period and confirmation of appointment. (1) Every applicant who has passed the examination and received the certificate referred to in **7-32-4108** must first serve for a probationary term of not more than 1 year. At any time before the end of such probationary term, the mayor, or the manager in those cities operating under the commission-manager plan, may revoke such appointment.

(2) After the end of such probationary period and within 30 days thereafter, the appointment of such applicant must be submitted to the city council or commission, and if such appointment is confirmed by the city council or commission, such applicant becomes a member of the police force and shall hold such position during good behavior unless suspended or discharged as provided by law.

History: En. Sec. 3, Ch. 136, L. 1907; Sec. 3306, Rev. C. 1907; amd. Sec. 1, Ch. 198, L. 1921; re-en. Sec. 5097, R.C.M. 1921; amd. Sec. 2, Ch. 119, L. 1923; re-en. Sec. 5097, R.C.M. 1935; amd. Sec. 3, Ch. 152, L. 1947; amd. Sec. 1, Ch. 160, L. 1973; R.C.M. 1947, 11-1803(part).

City of Helena, Montana

11/12/2024

To: Mayor Collins and Helena City Commission

From: Tim Burton, City Manager
Ryan Leland, Public Works Director
Jamie Clark, City Engineer

Subject: Bid Award for The City of Helena Wastewater Treatment Plant Primary Scum Pump Station Replacement Project #19-42

Present Situation:

There are two primary clarifiers located at the City of Helena Wastewater Treatment Plant (WWTP). Clarifiers, as the name suggests, are used to clear up the water coming into the plant by removing suspended solids and organic matter before wastewater receives additional biological treatment. Heavier than water solids, also known as sludge, settle to the bottom of the clarifiers, and lighter than water solids, such as fats, oils and grease, also known as scum, remain on top on the water in the clarifier and are skimmed off the top to the primary scum pump station's wet well. The primary scum is then pumped to digesters where they are reduced to concentrated biosolids through additional processes.

The existing Primary Scum Pump Station was constructed in 2001. The current pump station has been very problematic due to freezing and clogging, This has resulted in the pump station being an ongoing operational and maintenance problem since construction. Due to these issues and a poor, open air design, the pump station has not worked at all since the winter of 2018-2019. The WWTP staff currently cleans out and periodically pumps the scum manually, using a vacuum truck owned by the City of Helena Utility Maintenance Division. This has resulted in a significant negative impact on resources and manpower at the WWTP, as well as increased odor problems at the plant. The pump station is currently non-functional and in need of replacement.

The City advertised the project for bid on September 7th, 14th, and 21st 2024. Bids were opened on October 15th, 2024. The City received one bid for the Wastewater Treatment Plant Primary Scum Pump Station Replacement Project from Hard Rock Road Building and Utilities Inc. of Helena, MT. The apparent low bidder for the project is Hard Rock Road Building and Utilities Inc. of Helena, MT with a bid of \$1,223,242.50.

Background Information:

There are two primary clarifiers located at the City of Helena Wastewater Treatment Plant (WWTP). Clarifiers, as the name suggests, are used to clear up the water coming into the plant by removing suspended solids and organic matter before wastewater receives additional biological treatment. Heavier than water solids, also known as sludge, settle to the bottom of the clarifiers, and lighter than water solids, such as fats, oils and grease, also known as scum, remain on top on the water in the clarifier and are skimmed off the top to the primary scum pump station's wet well. The primary scum is then pumped to digesters where they are reduced to concentrated biosolids through additional processes.

The existing Primary Scum Pump Station was constructed in 2001. The current pump station has been very problematic due to freezing and clogging, This has resulted in the pump station being an ongoing operational and maintenance problem since construction. Due to these

issues and a poor, open air design, the pump station has not worked at all since the winter of 2018-2019. The WWTP staff currently cleans out and periodically pumps the scum manually, using a vacuum truck owned by the City of Helena Utility Maintenance Division. This has resulted in a significant negative impact on resources and manpower at the WWTP, as well as increased odor problems at the plant. The pump station is currently non-functional and in need of replacement.

The City advertised the project for bid on September 7th, 14th, and 21st 2024. Bids were opened on October 15th, 2024. The City received one bid for the Wastewater Treatment Plant Primary Scum Pump Station Replacement Project from Hard Rock Road Building and Utilities Inc. of Helena, MT. The apparent low bidder for the project is Hard Rock Road Building and Utilities Inc. of Helena, MT with a bid of \$1,223,242.50.

Proposal/Objective:

Consider awarding the contract to Hard Rock Road Building and Utilities Inc, which submitted the lowest responsive bid for \$1,223,242.50.

Advantage:

The existing open air primary scum pump station has exceeded its design life, is not functional and is susceptible to freezing and clogging. Demolishing and rebuilding the pump station in an updated, enclosed, and weatherproof configuration will allow for proper operation for the foreseeable future. Rebuilding the pump station will significantly reduce operation and maintenance costs at the WWTP and provide for a sustainable future at the WWTP.

Notable Energy Impact:

Constructing new diversion structures will eliminate considerable maintenance for the existing pump station, which is non-functional and requires manual bypass pumping and cleaning by plant staff. Installation of modern double disc pumps and controls will increase efficiency of the pump station by orders of magnitude.

Disadvantage:

None expected.

Quasi-Judicial Item:

False

Notice of Public Hearing:

False

**Staff Recommendation/
Recommended Motion:**

Move to award the Wastewater Treatment Plant Primary Scum Pump Station Replacement Project to the lowest responsible bidder Hard Rock Road Building and Utilities Inc in the amount of \$1,223,242.50.

PROJECT: WASTEWATER TREATMENT PLANT PRIMARY SCUM PUMP STATION REHABILITATION PROJECT

Date: 10/18/2024

Author: JRC

Project #: 19-42

SUBJECT: PROJECT BID TABULATIONS



WWTP PRIMARY SCUM PUMP IMPROVEMENTS PROJECT 19-42				ENGINEER'S ESTIMATE - HDR ENGINEERING		HARD ROCK ROAD BUILDING AND UTILITIES INC. HELENA, MT	
BID ITEM NO.	UNIT	ESTIMATED QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	LS	1	MOBILIZATION/DEMOBILIZATION	\$45,000.00	\$45,000.00	\$42,500.00	\$42,500.00
2	LS	1	STORMWATER MANAGEMENT	\$13,000.00	\$13,000.00	\$13,750.00	\$13,750.00
3	LS	1	EXISTING SYSTEM DEMOLITION	\$3,600.00	\$3,600.00	\$47,800.00	\$47,800.00
4	LF	136	4-INCH GLASS LINED SCUM PIPE	\$200.00	\$27,200.00	\$265.00	\$36,040.00
5	EA	2	4-INCH FLEXIBLE COUPLINGS	\$1,000.00	\$2,000.00	\$2,100.00	\$4,200.00
6	EA	5	4-INCH DISMANTLING JOINTS	\$3,500.00	\$17,500.00	\$3,650.00	\$18,250.00
7	EA	1	4-INCH GLASS LINED CROSS	\$3,300.00	\$3,300.00	\$2,450.00	\$2,450.00
8	EA	6	4-INCH GLASS LINED WYES	\$1,600.00	\$9,600.00	\$2,275.00	\$13,650.00
9	EA	2	4-INCH GLASS LINED 45 ELBOW MJ	\$700.00	\$1,400.00	\$1,800.00	\$3,600.00
10	EA	4	4-INCH GLASS LINED 45 FLANGED ELBOW	\$2,100.00	\$8,400.00	\$1,850.00	\$7,400.00
11	EA	1	4-INCH TO 6-INCH GLASS LINED REDUCER	\$1,800.00	\$1,800.00	\$1,750.00	\$1,750.00
12	EA	2	SCUM PUMPS	\$70,000.00	\$140,000.00	\$63,750.00	\$127,500.00
13	EA	8	4-INCH PLUG VALVES	\$9,500.00	\$76,000.00	\$3,950.00	\$31,600.00
14	EA	2	4-INCH CHECK VALVES	\$16,200.00	\$32,400.00	\$7,250.00	\$14,500.00
15	EA	2	BURIED CLEANOUT SYSTEM	\$33,000.00	\$66,000.00	\$7,500.00	\$15,000.00
16	CY	78	DRY WELL CONCRETE	\$2,000.00	\$156,000.00	\$2,350.00	\$183,300.00
17	LS	1	DRY WELL BUILDING	\$40,000.00	\$40,000.00	\$185,000.00	\$185,000.00
18	LS	1	DRY WELL ACCESS SYSTEM	\$40,000.00	\$40,000.00	\$25,800.00	\$25,800.00
19	LS	1	SUMP PUMP, PIPE, AND FITTINGS	\$2,700.00	\$2,700.00	\$15,500.00	\$15,500.00
20	LS	1	1 TON GANTRY CRANE, TROLLEY, AND HOIST	\$19,000.00	\$19,000.00	\$35,500.00	\$35,500.00
21	LS	1	VENTILATION, FANS, DUCTING & MISC	\$14,400.00	\$14,400.00	\$73,600.00	\$73,600.00
22	LS	1	PROJECT ELECTRICAL	\$150,000.00	\$150,000.00	\$103,250.00	\$103,250.00
23	EA	2	ELECTRIC HEATERS	\$1,800.00	\$3,600.00	\$6,000.00	\$12,000.00
24	LS	1	NON-POTABLE WATER SYSTEM	\$5,000.00	\$5,000.00	\$14,250.00	\$14,250.00
25	EA	8	WET/DRY WELL CORING & LINK SEALSTRUCTURE PENETRATIONS	\$600.00	\$4,800.00	\$2,050.00	\$16,400.00
26	LS	1	WET WELL COVER	\$12,000.00	\$12,000.00	\$8,050.00	\$8,050.00
27	LS	1	INSTRUMENTATION & CONTROLS	\$6,300.00	\$6,300.00	\$33,000.00	\$33,000.00
28	CY	85	EXCAVATION- FORCE MAIN	\$100.00	\$8,500.00	\$54.00	\$4,590.00
29	CY	273	EXCAVATION- OTHER	\$100.00	\$27,300.00	\$50.00	\$13,650.00
30	CY	4.5	PIPE BEDDING MATERIAL	\$200.00	\$900.00	\$25.00	\$112.50
31	CY	80	BACKFILL & COMPACTION	\$100.00	\$8,000.00	\$99.00	\$7,920.00
32	SY	520	4-INCH-THICK CONCRETE SIDEWALK	\$90.00	\$46,800.00	\$128.00	\$66,560.00
33	LS	1	LANDSCAPING RESTORATION	\$5,000.00	\$5,000.00	\$28,150.00	\$28,150.00
34	LS	1	AIRLINE PIPE, PIPE SUPPORTS, FITTINGS, AND VALVES	\$2,700.00	\$2,700.00	\$8,500.00	\$8,500.00
35	EA	2	CITY-FURNISHED CLARIFIER SKIMMER & SCUM BOX INSTALLATION	\$5,500.00	\$11,000.00	\$2,500.00	\$5,000.00
36	LS	1	SIGNAGE AND IDENTIFICATION	\$700.00	\$700.00	\$3,120.00	\$3,120.00
PROJECT TOTAL =					\$1,011,900.00		\$1,223,242.50

BUDGET WORKSHEET
WWTP Primary Sum Pump Station Rebuild Project
City Project #19-42

Description	Estimate or Cost
ENGINEERING	
Site Survey - Pioneer Technical	\$ 3,716.15
Project Design - HDR	\$ 78,944.76
Construction/Post Construction Management - HDR	\$ 138,447.00
Total Engineering Cost	\$ 221,107.91
CONSTRUCTION COSTS	
Construction Cost - Bid From Hard Rock Road Building & Utilites	\$ 1,223,242.50
5.0% Contingency & Testing	\$ 61,162.13
Total Construction Cost	\$ 1,284,404.63
Misc Cost - Asbestos Site Investigation	\$ 745.00
Misc Cost - Advertisement (Bid, CATEX, Public Mtg.)	\$ 284.00
Total Project Estimate	\$1,506,541.54

Description	Budget
Budget	
WW20001 - Primary Scum Pump Station 53430640-493000	\$ 1,500,000.00
WPCSRF Loan	\$ 1,033,000.00
WPCSRF Loan Forgiveness	\$ 496,500.00
Total WPCSRF Funds	\$ 1,529,500.00
Totals	\$ 29,500.00

20 yrs at 2.5%
Forgiveness

Project Manager	Jamie Clark
Project Inspector	HDR
Project Designer/Consultant	HDR

City of Helena, Montana

11/12/2024

To:

Mayor Collins and Helena City Commission

From:

Tim Burton, City Manager
Ryan Leland, Public Works Director
Sheila Danielson, Finance Director

Subject:

Consider a Resolution to set rates for all customers of the City of Helena water system.

Present Situation:

All water system customers are charged a monthly base rate and a per unit usage rate as required by Helena City Code 6-2-8. Rate increase considerations are necessary to adjust for inflation, provide for necessary capital improvements, and meet bonded debt coverage. A rate increase of 3.5% is recommended.

Background Information:

A recent water rate study recommended across-the-board increases of 3.5% for all water customers. The consultant first presented the rate study to the City Commission in August 2022 and has made some modifications since the initial presentation. Based on the significant amount of ARPA capital funds awarded to the Water fund, staff elected to postpone a rate increase recommendation for FY24. A 3.5% rate increase for FY25 will bring the city in line with the rate study recommendations.

Proposal/Objective:

Consider a Resolution to set residential and commercial water base and usage rates

Advantage:

Timely rate considerations will ensure the ability to cover system operating costs, capital costs, and existing and future debt to maintain the integrity of the water system.

Notable Energy Impact:

N/A

Disadvantage:

A 3.5% increase amounts to an additional \$1.75 monthly for the average residential water customer

Quasi-Judicial Item:

False

Notice of Public Hearing:

True

**Staff Recommendation/
Recommended Motion:**

Move to approve a Resolution to set residential and commercial water base and usage rates.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO.

A RESOLUTION SETTING RATES FOR ALL CUSTOMERS OF THE CITY OF HELENA WATER SYSTEM

WHEREAS, water system users are charged a base rate and a per unit rate for water consumption as required by § 6-2-8 of the Helena City Code;

WHEREAS, rates are adjusted as necessary to correct for inflation, cost of service, provide for necessary capital improvements, and meet bonded debt coverage; and

WHEREAS, a tiered rate structure is desired to encourage conservation of water while providing necessary funding for operational and capital costs.

WHEREAS, a public hearing on this resolution was held by the City Commission on November 18, 2024, in the Commission Chambers at 316 North Park Avenue in Helena, Montana at 6:00 P.M.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. To defray the cost of operation of the City's water system, the City Commission hereby establishes the water system use rates as follows:

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Resol. 20879

	CURRENT	PROPOSED
Monthly Meter Base Rate¹:		
Meter Size		
¾"	\$9.26	\$9.58
1"	\$15.40	\$15.94
1 ½"	\$30.80	\$31.88
2"	\$49.20	\$50.92
3"	\$92.40	\$95.63
4"	\$154.30	\$159.70
6"	\$308.60	\$319.40
8"	\$555.40	\$574.84
12"	\$694.20	\$718.50
Per Unit Consumption rate²:		
Use Type		
Commercial	\$4.09	\$4.23
Multi-dwelling	\$3.39	\$3.51
Residential 0-8 units	\$3.39	\$3.51
Residential 9-15 units	\$3.80	\$3.93
Residential 15+ units	\$3.86	\$3.99
Non-metered residential (11 units)	\$3.92	\$4.06

¹ per meter per month

² units are measured in HCF (100 cubic feet or approximately 748 gallons)

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Resol. 20879

Section 2. The rates are effective January 1, 2025 and will remain in effect until such time as the City Commission deems the rates and charges are insufficient to cover the requirements of § 7-13-4307 Mont. Code Ann.

PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS
18th DAY OF NOVEMBER, 2024.

MAYOR

ATTEST:

CLERK OF THE COMMISSION

CITY OF HELENA
PUBLIC HEARING NOTICE

The Helena City Commission will hold a public hearing at **6:00 p.m. on November 18, 2024**, in the City of Helena Commission Chambers at 316 N. Park Avenue, Helena, MT 59623, and via **ZOOM Meeting at ID:** <https://us06web.zoom.us/j/84006879934>, to consider the following:

A RESOLUTION TO SET RATES FOR ALL CUSTOMERS OF THE CITY OF HELENA
WATER SYSTEM.

The Resolution may be viewed in City County Administration Building, 316 North Park, Avenue, Room 417, Helena, MT 59623. All residents and taxpayers may attend the meeting and be heard for or against any part of the Resolution. For further information, please call Ed Coleman, City Public Works, at 447-8059.

The City of Helena is committed to providing access to persons with disabilities for its meetings, in compliance with Title II of the Americans with Disabilities Act and the Montana Human Rights Act. The City will not exclude persons with disabilities from participation at its meetings or otherwise deny them the City's services, programs, or activities.

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following:

(406) 447- 8490
TTY Relay Service [1-800-253-4091](tel:1-800-253-4091) or 711
citycommunitydevelopment@helenamt.gov
316 North Park, Avenue, Room 440, Helena, MT 59623

PUBLISH ONLY INFORMATION ABOVE LINE BREAK AS A LEGAL AD:
November 2, 9, and 16, 2024.

Please send a copy of the legal ad to:

Kim Cross
Helena Public Works Department
316 North Park Avenue
Helena, MT 59601
406-447-8430
kcross@helenamt.gov

City of Helena, Montana

11/12/2024

To:

Mayor Collins and Helena City Commission

From:

Tim Burton, City Manager
Ryan Leland, Public Works Director
Sheila Danielson, Finance Director

Subject:

Consider a Resolution to set rates for all customers of the City of Helena wastewater system.

Present Situation:

All wastewater system customers are charged a monthly base rate and a per unit usage rate as required by Helena City Code 6-3-2. Rate increase considerations are necessary to adjust for inflation, provide for necessary capital improvements, and meet bonded debt coverage. A rate increase of 4% is being recommended

Background Information:

A recent water/wastewater rate study recommended a range of rate increases based on different permit scenarios for all wastewater customers. The consultant first presented the rate study to the City Commission in August 2022

Proposal/Objective:

Consider a Resolution to set residential and commercial wastewater base and usage rates.

Advantage:

Timely rate considerations will ensure the ability to cover system operating costs, capital costs, and existing and future debt to maintain the integrity of the wastewater system

Notable Energy Impact:

N/A

Disadvantage:

A 4% increase amounts to an additional \$1.38 monthly for the average residential wastewater customer.

Quasi-Judicial Item:

False

Notice of Public Hearing:

True

**Staff Recommendation/
Recommended Motion:**

Move to approve a Resolution to set residential and commercial wastewater base and usage rates.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO.

A RESOLUTION SETTING RESIDENTIAL AND COMMERCIAL WASTEWATER BASE AND USAGE RATES

WHEREAS, wastewater system users have previously been charged a base rate, and a per unit usage rate for use of the wastewater collection system as required by § 6-3-2 of the Helena City Code;

WHEREAS, rate increases are necessary to adjust for inflation, for cost of service, to provide for necessary capital improvements, and to meet bonded debt coverage;

WHEREAS, according to a recent rate study, commercial users generate a larger demand for wastewater treatment services than residential users and therefore should pay a higher rate for wastewater treatment services than residential users; and

WHEREAS, it appears to be in the best interests of the City of Helena and the inhabitants thereof that the base rate and per unit usage rate imposed upon wastewater customers be set; and

WHEREAS, a public hearing on this resolution was held by the City Commission on November 18, 2024, in the Commission Chambers at 316 North Park Avenue in Helena, Montana, at 6:00 P.M.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Resol.

Section 1. To defray the cost of operation of the City's wastewater system, the City Commission hereby establishes the wastewater system use rates as follows:

SERVICE	CURRENT	PROPOSED
Residential Rates:		
Wastewater Base	\$10.12 phpm ¹	\$10.52 phpm ¹
Wastewater Usage	\$3.47/unit ²	\$3.61/unit ²
Commercial Rates:		
Wastewater Base	\$10.12 phpm ¹	\$10.52 phpm ¹
Wastewater Usage	\$4.67/unit ²	\$4.86/unit ²

¹per connection per month

²units are measured in HCF (100 cubic feet or approximately 748 gallons)

Section 2. These rates are effective January 1, 2025 and remain effective until such time the City Commission deems the rates and charges are insufficient to cover the requirements of § 7-13-4307, Mont. Code Ann.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Resol.

PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA THIS
18TH DAY OF NOVEMBER, 2024.

ATTEST:

MAYOR

CLERK OF THE COMMISSION

CITY OF HELENA
PUBLIC HEARING NOTICE

The Helena City Commission will hold a public hearing at **6:00 p.m. on November 18, 2024**, in the City of Helena Commission Chambers at 316 N. Park Avenue, Helena, MT 59623, and via **ZOOM Meeting at ID:** <https://us06web.zoom.us/j/84006879934> , to consider the following:

A RESOLUTION TO SET RATES FOR ALL CUSTOMERS OF THE CITY OF HELENA
WASTEWATER SYSTEM.

The Resolution may be viewed in City County Administration Building, 316 North Park, Avenue, Room 417, Helena, MT 59623. All residents and taxpayers may attend the meeting and be heard for or against any part of the Resolution. For further information, please call Ed Coleman, City Public Works, at 447-8059.

The City of Helena is committed to providing access to persons with disabilities for its meetings, in compliance with Title II of the Americans with Disabilities Act and the Montana Human Rights Act. The City will not exclude persons with disabilities from participation at its meetings or otherwise deny them the City's services, programs, or activities.

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following:

(406) 447- 8490
TTY Relay Service [1-800-253-4091](tel:1-800-253-4091) or 711
citycommunitydevelopment@helenamt.gov
316 North Park, Avenue, Room 440, Helena, MT 59623

PUBLISH ONLY INFORMATION ABOVE LINE BREAK AS A LEGAL AD:
November 2, 9, and 16, 2024.

Please send a copy of the legal ad to:

Kim Cross
Helena Public Works Department
316 North Park Avenue
Helena, MT 59601
406-447-8430
kcross@helenamt.gov

City of Helena, Montana

10/16/2024

To: Honorable Mayor Collins and Members of the City Commission

From: *Chris Brink, Community Development Director*

Subject: Consider an extension of the planned completion and Final Plat of Phase 1 of the Westside Woods Major Phased Subdivision from December 2024 to December 2025

Present Situation:

As permitted in 76-3-617(1), Montana Code Annotated, a “subdivider may change the schedule for review of each phase of the development upon approval of the governing body after a public hearing...if the change does not negate conditions of approval or otherwise adversely affect public health, safety, and welfare.” The phase subject to the extension request had an approved, extended completion/final plat date of December 2024.

A written notice of commencement was received on October 11, 2024.

Per the applicable section of MCA, a public hearing must be held within 30 working days after receipt of the written notice.

After the hearing, the governing body (City Commission) shall determine if the change does not negate conditions of approval or otherwise adversely affect public health, safety, and welfare.

Background Information:

On April 10, 2023, the City Commission gave approval of the pre-zone, a Resolution of Intent to Annex with annexation conditions, and the preliminary plat with conditions. As part of the overall Major Phased Subdivision approach, a phasing schedule was presented and approved (with the preliminary plat action). The presented and approved phasing schedule was:

- Phase 1 Completion – December 2023
- Phase 2 Completion – December 2025
- Phase 3 Completion – December 2027
- Phase 4 Completion – December 2029

On May 22, 2023, after a hearing to consider any changed primary criteria impacts or new information, the City Commission approved the commencement request for Phase 1.

On September 11, 2023, after a hearing to consider a change in the phasing schedule for Phase 1, the City Commission approved an extension from December 2023 to December 2024.

Also on September 11, 2023, and after a hearing to consider any changed primary criteria impacts or new information, the City Commission approved the commencement request for Phase 2

Proposal/Objective:

The project developer has submitted to city staff a written notice to change the schedule for review of Phase 1 of Westside Woods.

The City Commission shall determine if the change does not negate conditions of approval or otherwise adversely affect public health, safety, and welfare.

Advantage:

Allowing a change to the schedule for review for Phase 1 would allow sufficient time for the issuance of all construction permits and for the completion of Phase 1.

Notable Energy Impact:

NA

Disadvantage:

By not allowing a change to the schedule for review of Phase 1, the project developer would not be able to meet the current schedule for review and therefore jeopardize the overall project approval.

Notice of Public Hearing:

Attached

**Staff Recommendation/
Recommended Motion:**

Move to approve an extension of the schedule of review for Phase 1 from December 2024 to December 2025.



Christopher J. Brink, AICP
Director

Community Development Department
316 North Park Avenue, Room 445
Helena, Montana 59623

Phone: 406-447-8490
Direct: 406-447-8445
Email: cbrink@helenamt.gov

helenamt.gov

STAFF MEMORANDUM

DATE: October 16, 2024

TO: Honorable Mayor Collins
Members, Helena City Commission
Tim Burton, City Manager

FROM: Christopher Brink, AICP
Director

SUBJECT: **Consider an extension of the planned completion and Final Plat of Phase 1 of the Westside Woods Major Phased Subdivision from December 2024 to December 2025**

OVERVIEW

As permitted in 76-3-617(1), Montana Code Annotated, a “subdivider may change the schedule for review of each phase of the development upon approval of the governing body after a public hearing...if the change does not negate conditions of approval or otherwise adversely affect public health, safety, and welfare.” The phase subject to the extension request had an approved, extended completion/final plat date of December 2024.

A written notice of commencement was received on October 11, 2024.

Per the applicable section of MCA, a public hearing must be held within 30 working days after receipt of the written notice.

After the hearing, the governing body (City Commission) shall determine if the change does not negate conditions of approval or otherwise adversely affect public health, safety, and welfare.

GENERAL INFORMATION

Receipt of Notice: October 11, 2024

Public Hearing Date: City Commission: November 18, 2024

Applicant/Owner: Sussex Development, Inc.

Engineer: Jeremy Fadness, WWC Engineering

DEVELOPMENT BACKGROUND

On April 10, 2023, the City Commission gave approval of the pre-zone, a Resolution of Intent to Annex with annexation conditions, and the preliminary plat with conditions. As part of the overall Major Phased Subdivision approach, a phasing schedule was presented and approved (with the preliminary plat action). The presented and approved phasing schedule was:

Phase 1 Competition – December 2023
Phase 2 Completion – December 2025
Phase 3 Competition – December 2027
Phase 4 Completion – December 2029

On May 22, 2023, after a hearing to consider any changed primary criteria impacts or new information, the City Commission approved the commencement request for Phase 1.

On September 11, 2023, after a hearing to consider a change in the phasing schedule for Phase 1, the City Commission approved an extension from December 2023 to December 2024.

Also on September 11, 2023, and after a hearing to consider any changed primary criteria impacts or new information, the City Commission approved the commencement request for Phase 2

PUBLIC COMMENT AND ENGAGEMENT

Letters were sent to adjacent (via certified mail) and nearby (w/in 300' via regular USPS mail) property owners and a legal notice was published at least 15 days prior to the public hearings in the IR. As of the drafting of this memo, no comments have been received regarding significant impacts relative to the extension of Phase 1.

STAFF CONCLUSION and RECOMMENDED MOTION

At this time and relative to the extension request for Phase 1 review and completion of the Westside Woods Major Phased Subdivision, staff has not identified any changes that would negate conditions of approval or otherwise adversely affect public health, safety, and welfare.

Recommended Motion for Consideration

Move to approve an extension of the schedule of review for Phase 1 from December 2024 to December 2025.



1275 MAPLE STREET SUITE F, HELENA, MT 59601 | 406.443.3962

October 11, 2024

Christopher Brink, AICP, Director
City of Helena Community Development Department
316 North Park Avenue
Helena, MT 59601

Re: West Side Woods Subdivision Phase 1 Final Plat Phase Plan Modification Request

Dear Mr. Brink:

On behalf of Sussex Development, Inc., WWC Engineering is hereby providing this request to modify the phasing plan for the West Side Woods Subdivision to extend the final plat for Phase 1 from December 2024 to December 2025. The City Commission conditionally approved the West Side Woods Major Subdivision on April 10, 2023, approved commencement of Phase 1 on May 22, 2023, and approved a phasing plan modification for Phase 1 on September 11, 2023. Per the approved phasing plan, Phase 1 was intended to be completed and final platted by December 2023 and the first Phase 1 phasing modification amended this to December 2024. We anticipated receiving City Engineering approvals in 2023, but unfortunately, we did not receive those approvals until September 13, 2024. The hope was that construction could occur during summer of 2024 with final plat to follow at the end of 2024. City Engineering approval was received on September 13, 2024 and we are still working on getting DEQ approval for water and sewer mains. Due to the delay in engineering approval, this does not provide adequate time to install onsite and off-site infrastructure for Phase 1 before submittal of the final plat application materials to the City to meet the December 2024 deadline. Therefore, we are asking for a modification to the phasing plan to allow final plat of Phase 1 no later than December 2025. All other final plat dates for the remaining phases will remain unchanged with the final phase, Phase 4, being final platted in December 2029.

Please feel free to contact me by email at jfadness@wwcengineering.com or by phone at (406) 443-3962 with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Jeremy Fadness".

Jeremy Fadness, P.E.
Project Manager

JF

cc Sussex Development

K:\Helena\ECO DEVELOPMENT LLC\2022292 West Side Subdivision 2nd Submittal\08Reports\PHASE 1 PLAT EXTENSION\2nd Extension\West Side Woods Phase 1 Plat Extension Request 10-1-2024.docx

SOLVING PROBLEMS AND DELIVERING VALUE



Christopher J. Brink, AICP
Director

Community Development Department
316 North Park Avenue, Room 445
Helena, Montana 59623

Phone: 406-447-8490
Direct: 406-447-8445
Email: cbrink@helenamt.gov

helenamt.gov

Date: October 16, 2024
To: Applicant and Adjacent and nearby property owners
Subject: Phase 1 Completion Extension
Westside Woods Major Phased Subdivision

NOTICE OF HEARING

The *City of Helena City Commission* will hold a public hearing in Room 330 of the City-County Building, 316 N. Park Avenue, Helena, Montana on **Monday, November 18th, 2024 @ 6:00pm**. The hearing will be conducted as a hybrid in-person and online meeting utilizing the Zoom meeting platform.

The public hearing will be for the consideration of the following item:

Change and modification of the Phasing Schedule for the Westside Woods Major Phased Subdivision to extend the completion of Phase 1 from December 2024 to December 2025.

On April 10, 2023, the Helena City Commission approved the preliminary plat for the Westside Woods Major Phased Subdivision. Then, on September 11, 2023, the Helena City Commission approved a phase extension for Phase 1 from December 2023 to December 2024.

As permitted in 76-3-617(1), Montana Code Annotated, the subdivider may change the schedule for review of each phase of the development upon approval of the governing body after a public hearing. The governing body shall hold a public hearing within 30 working days after receipt of the written notice from the subdivider to change the phasing schedule.

The Helena City Commission hearing can be accessed via Zoom at:

<https://us06web.zoom.us/j/84006879934>

Webinar ID: 840 0687 9934

or by calling in +12532158782,, 89922243065# or +12532158782,, 89922243065#

Public comment will be taken up to and at the above meetings. If you wish to submit written comments prior to either meeting, please send them in via email to citycommunitydevelopment@helenamt.gov or mail them to City of Helena Community Development, ATTN: Westside Woods Phased Major Subdivision Comments, Room 445, 316 N. Park Avenue, Helena, MT 59623. For any questions, please call 406-447-8490.

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following: Phone: (406) 447- 8490; TTY Relay Service [1-800-253-4091](tel:1-800-253-4091) or 711; Email: Citycommunitydevelopment@helenamt.gov; Mailing Address & Physical Location: 316 North Park, Avenue, Room 445, Helena, MT 59623.

Regards,

Christopher J. Brink, AICP
Director, City of Helena Community Development